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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,686	12/06/2000	Ana H. von Klopp Lemon	P5561/16159.002001	9223
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OSHA & MAY L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 03/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,686

Applicant(s)

VON KLOPP LEMON, ANA H.

Examiner

Yasin M Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-25,28-33 and 36-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2004 has been entered.

Response to Amendment

2. The amendment filed on December 27, 2004 has been fully considered but are not persuasive.

- Claims 23-51 are presented for examination.
- Claims 26,27,34 and 35 have been cancelled.
- Claims 23-24,28,31-32, 36-37,42,44-45 and 47-48 are currently amended.

Response to Arguments

In response to applicant's arguments on page 9 that ``Yamane does not disclose or suggest recording (collecting) a complete

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transaction (http request and http response).'' Examiner contends that Yamane teaches a system that collects data on web page requests and web server responses to the web page request (col. 3, lines 65-67). Yamane further teaches that the web page requests are part of a series of communications (transaction) with the web server 102 involving several requests and responses, referred to as a session (col. 4, lines 31-65).

In response to applicant's argument on page 10 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ``hooks,' ' as recited in the claims, correspond to programming instructions, embedded in the code, that provides breakpoints for future expansion. Further, 'hooks' can be used to call some outside routing or function..) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Besides the hooks module in Ward includes one or more API event generators installed within the graphics library, each configured to perform predetermined monitoring and control operations related to an associated function call in response to event requests (0019-0020). Therefore, the hooks in Ward correspond to programming instructions.

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In response to applicant's argument on page 10 that `` unlike the `hooks' in Ward, the `hooks' in the present invention are not intrusive or indiscriminate. Examiner respectfully notes that the claims as recited do not preclude the hooks from being intrusive or indiscriminate.

Examiner further notes that Yamane teaches the newly added limitations wherein the collected data comprises at least session data associated with transaction (collected data includes user http session with a web server and particularly a user conducting a bank transaction on the Web col. 5, lines 11-45 and col. 19, lines 1-16).

Applicant also argues that Yamane et al do not teach ``storing the collected data on per a transaction basis''. Examiner notes that Yamane et al teach a logging (database 114 and 112, fig. 1) that is used for logging user requests to web server 102. The information that can be logged includes the information in Table 3. The information can also include a log time indicating when the request was logged and the round trip time for a transaction from the initial connection until the connection is closed (col. 5, lines 11-45 and col. 19, lines 1-16 and col. 20, lines 50 to col. 21, line 52).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamane et al U.S. Pat. (6317786) in view of Ward et al USPN. (20020083217).

As per claim 23, Yamane et al teach a system for monitoring data flow in a web application hosted on a server, comprising (abstract):

a data collector which intercepts a transaction (web page request and responses), wherein intercepting the transaction comprises a HTTP request coming into the server and a HTTP response leaving the server in order to collect data passed between components of the web application corresponding to the transaction [web traffic data is intercepted and collected as shown in table 3, col. 12, see col. 3, line 60 to col. 4, line 3 and col. 16, lines 19-31];

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a graphical display which displays the collected data [Fig. 6-9 and col. 21, lines 53-67], where data collector comprises a process to intercept the HTTP request and the HTTP response in order to collect data (col. 9, lines 11-38).

Although Yamane et al shows substantial features of the claimed invention including intercepting HTTP request and HTTP response in order to collect data, he does not explicitly show where the data collector uses hooks.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Yamane et al, as evidenced by Ward et al USPN. (20020083217).

In analogous art, Ward et al disclose a graphics application evaluation and control system that uses a hooks module (process) to capture a trace of API events [page 8, paragraph 82]. Giving the teaching of Ward et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Yamane et al by employing the system of Ward et al for the advantage providing a graphics tool with the ability to monitor and control desired data and operations of a computer graphics system.

Yamane as modified teaches wherein the hooks are embedded in at least one selected from the group consisting of the server and server plug-in (col. 6, lines 22-27) application configured to

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execute on the server [col. 2, lines 15-21 and col. 9, lines 11-44]; and

wherein the collected data comprises at least session data associated with transaction (col. 5, lines 11-45 and col. 19, lines 1-16).

As per claim 24, Yamane et al teach the system of claim 23, wherein the collected data further comprises one selected from the group consisting of data contained in the HTTP request (table 3, #10 and 13), data contained in the HTTP response (col. 3, lines 65-67), properties of a dynamic component invoked by the server to process the HTTP request (table 3, #7 and 8), data contained in a cookie associated with the HTTP request (table 3, #21), data contained in a cookie associated with the HTTP response (table 3, 9 which could include cookie), and combinations thereof [col. 12 line 37 to col. 13, line 17; see table 3, col. 12].

As per claim 25, Yamane et al teach the system of claim 24, wherein the collected data further comprises properties of a HTTP session associated with the HTTP request [see table 3, #1, 2, 13 and 14 and col. 4, lines 31-65].

As per claim 28, Yamane et al teach the system of claim 23, further comprising a directory (database 112 and database 114, fig. 1) for storing the collected data on per transaction basis

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(col. 5, lines 11-45 and col. 19, lines 1-16 and col. 20, lines 50 to col. 21, line 52].

As per claim 29, Yamane et al teach the system of claim 28, further comprising means for retrieving the data stored in the directory and for updating the graphical display with the data [col. 20, lines 50 to col. 21, line 52].

As per claim 30, Yamane et al teach the system of claim 29, further comprising means for deleting data associated with a selected HTTP request from the directory [col. 14, line 52].

As per claim 31, Yamane et al teach A system for monitoring data flow in a web application (abstract), comprising: a server which hosts the web application [fig. 1, web server 102];

a data collector which intercepts a transaction (web page request and responses), wherein intercepting the transaction comprises a HTTP request coming into the server and a HTTP response leaving the server in order to collect data passed between components of the web application corresponding to the transaction [web traffic data is intercepted and collected as shown in table 3, col. 12, see col. 3, line 60 to col. 4, line 3 and col. 16, lines 19-31]; and

an application which provides a graphical display for displaying the collected data [Fig. 6-9 and col. 21, lines 53-67].

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As per the limitation, wherein the data collector comprises a process which uses hooks to intercept the HTTP request and the HTTP response in order to collect data, and wherein the hooks are embedded in at least one selected from the group consisting of a server and server plug-in application configured to execute on the server [see the rejection made on claim 23 above]; and

wherein the collected data comprises at least session data associated with transaction (col. 5, lines 11-45 and col. 19, lines 1-16).

As per claim 32, Yamane et al teach the system of claim 31, wherein the collected data further comprises one selected from the group consisting of data contained in the HTTP request (table 3, #10 and 13), data contained in the HTTP response (col.3, lines 65-67), properties of a dynamic component invoked by the server to process the HTTP request (table 3, #7 and 8), data contained in a cookie associated with the HTTP request (table 3, 21), data contained in a cookie associated with the HTTP response (table 3, 9 which could include cookie), and combinations thereof [col. 12 lines 37 to col. 13, line 17; see table 3, col. 12].

As per claim 33, Yamane et al teach the system of claim 32, wherein the collected data further comprises properties of a HTTP session associated with the HTTP request [see table 3, 1,2, 13 and 14].

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As per claim 36, Yamane et al teach a system for test-running and debugging a web application, comprising:

a server which hosts the web application [fig. 1, web server 102];

a client requesting resources from the server [col. 4, lines 50-54];

a data collector which intercepts a transaction (web page request and responses), wherein intercepting comprises intercepting a HTTP request sent by the client to the server and a corresponding HTTP response sent by the server to the client in order to collect data passed between components of the web application corresponding to the transaction [web traffic data is intercepted and collected as shown in table 3, col. 12, see col. 3, lines 60-65 and col. 9, lines 11-38. See also col. 13, lines line 19-63]; and

an application that provides a graphical display for displaying the collected data [Fig. 6-9 and col. 21, line 53-67].

As per the limitation, wherein the data collector comprises a process which uses hooks to intercept the HTTP request and the HTTP response in order to collect data, and wherein the hooks are embedded in at least one selected from the group consisting of a server and server plug-in application configured to execute on the server [see the rejection made on claim 23 above]; and

wherein the collected data comprises at least session data associated with transaction (col. 5, lines 11-45 and col. 19, lines 1-16).

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As per claim 37, Yamane et al teach the system of claim. 36, wherein the collected data further comprises one selected from the group consisting of data contained in the HTTP request (table 3, 10 and 13), data contained in the HTTP response (col.3, lines 65-67), properties of a dynamic component invoked by the server to process the HTTP request (table 3, 7 and 8), data contained in a cookie associated with the HTTP request (table 3, 21), data contained in a cookie associated with the HTTP response (table 3, 9 which could include cookie), and combinations thereof [col. 12 lines 37 to col. 13, line 17; see table 3, col. 12].

As per claim 38, Yamane et al teach the system of claim 37, further comprising an integrated development environment which starts the server in a separate process [col. 6, lines 46-65].

As per claim 39, Yamane et al teach the system of claim 38, wherein the graphical display is accessible from within the integrated development environment col. 6, lines 46 to col. 7, line 49].

As per claim 40, Yamane et al teach the system of claim 38, wherein the client is accessible from within the integrated development environment [col. 6, lines 46 to line 49 and col. 20, lines 50 to col. 21, line 52].

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As per claim 41, Yamane et al teach the system of claim 38, wherein the integrated development environment comprises a mechanism that listens for requests from external processes and updates the graphical display in response to a notification from the data collector [col. 16, lines 32-40].

As per claim 42, Yamane et al teach the system of claim 37, further comprising a directory (database 112 and 114, fig. 1) for storing the collected data on per transaction basis (col. 5, lines 11-45 and col. 19, lines 1-16 and col. 20, lines 50 to col. 21, line 52].

As per claim 43, Yamane et al teach the system of claim 42, further comprising a mechanism running as part of the client which updates the graphical display with the data stored in the directory [col. 5, lines 46-60].

As per claim 44, Yamane et al teach a system for test-running and debugging a web application comprising:

- a server which hosts the web application [fig. 1, web server 102];

- an integrated development environment which starts the server in a separate process [col. 6, lines 46 to line 49 and col. 20, lines 50 to col. 21, line 52];

- a client requesting resources from the server [col. 14, lines 26-49];

a data collector which intercepts a transaction (web page request and responses), wherein intercepting comprises intercepting a HTTP request sent by the client to the server and a corresponding HTTP response sent by the server to the client in order to collect data passed between components of the web application corresponding to the transaction [web traffic data is intercepted and collected as shown in table 3, col. 12, see col. 3, lines 60-65 and col. 9, lines 11-38. See also col. 13, lines line 19-63]; and

an application that provides a graphical display for displaying the collected data [Fig. 6-9 and col. 21, line 53-67].

As per the limitation, wherein the data collector comprises a process which uses hooks to intercept the HTTP request and the HTTP response in order to collect data, and wherein the hooks are embedded in at least one selected from the group consisting of a server and server plug-in application configured to execute on the server [see the rejection made on claim 23 above]; and

wherein the collected data comprises at least session data associated with transaction (col. 5, lines 11-45 and col. 19, lines 1-16).

As per claim 45, Yamane et al teach the system of claim 44, wherein the collected data comprises one selected from the group consisting of data contained in the HTTP request (table 3, 10 and 13), data contained in the HTTP response (col.3, lines 65-67), properties of a dynamic component invoked by the server to

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process the HTTP request (table 3, 7 and 8), data contained in a cookie associated with the HTTP request (table 3, 21), data contained in a cookie associated with the HTTP response (table 3, 9 which could include cookie), and combinations thereof [col. 12 lines 37 to col. 13, line 17; see table 3, col. 12].

As per claim 46, Yamane et al teach the system of claim 45, wherein the collected data further comprises properties of a HTTP session associated with the HTTP request [see table 3, 1,2, 13 and 14].

As per claim 47, the claim has similar limitations as addressed in claims 23, 31, 36 and 44 above. Therefore it is rejected with the same rationale.

As per claim 48, Yamane et al teach the method of claim 47, wherein the collected data further comprises one selected from the group consisting of data contained in the HTTP request (table 3, 10 and 13), data contained in the HTTP response (col.3, lines 65-67), properties of a dynamic component invoked by the server to process the HTTP request (table 3, 7 and 8), data contained in a cookie associated with the HTTP request (table 3, 21), data contained in a cookie associated with the HTTP response (table 3, 9 which could include cookie), and combinations thereof [col. 12 lines 37 to col. 13, line 17; see table 3, col. 12].

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As per claim 49, Yamane et al teach the method of claim 48, wherein the collected data further comprises properties of a HTTP session associated with the HTTP request [see table 3, #1,2, 13 and 14].

As per claim 50, Yamane et al teach the method of claim 47, wherein the HTTP request is intercepted prior to the server making any modifications to the HTTP request [col. 7, lines 30-49 and col. 12, line 37-46].

As per claim 51, Yamane et al teach the method of claim 50, wherein the HTTP response is intercepted prior to the server making any modifications to the HTTP response [col. 12, line 37-46 and col. 12, line 37-46].

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be


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reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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